

REMARKS

Claims 1-7 are currently amended, and claims 16-19 were previously cancelled. Thus, claims 1-15 are pending in the present application. The claim amendments are supported by the specification and claims as originally filed, with no new matter being added. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

Claim 3 has been amended to replace the terms “locking mechanisms” with the terms “first and second locking mechanisms” to provide further clarity and not for reasons related to patentability. Support for the amendment to claim 3 can be found in the application as filed on page 3, lines 12-18. The dependencies of claims 5 and 6 have been amended so as to correctly depend from claims 4 and 5, respectively.

1. Rejections Under 35 U.S.C. § 112

Claims 1-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses.

With respect to claim 1, the terms “the horizontal plane” have been replaced with “a horizontal plane” so as to overcome the antecedent basis objection raised by the Examiner.

With respect to claim 2, the terms “the vertical plane” have been replaced with “a vertical plane” so as to overcome the antecedent basis objection raised by the Examiner.

With respect to claim 4, the terms “hose clamp” have been replaced with “universal hose clamp” so as to overcome the antecedent basis objection raised by the Examiner.

In addition, with respect to claims 4, 7, 8, and 10, claims 4 and 7 have been amended so as to depend from claim 3, so that the terms “the stab pin” have the correct antecedent basis.

With respect to claim 15, “the hose securing means” in line 2 has the correct antecedent basis from claim 11 on which it depends.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

2. Rejections Under 35 U.S.C. § 102

Claims 1, 2, 4, 7, 8 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by GB Patent No. 13,318 to Howell et al. (hereafter “*Howell*”). Applicant respectfully traverses.

Claim 1 has been amended to recite the phrase “with the hose coupled to the hose coupling, and the first locking mechanism” Claim 2 has been amended to introduce the terms “with the hose coupled to the hose coupling, and the second locking mechanism . . .” to improve clarity in a similar manner as with claim 1. Support for these amendments can be found within claims 1 and 2 as originally filed and throughout the present specification (e.g., page 2, lines 7-9, and lines 30-32).

Applicant notes that the problem addressed by the teachings of *Howell* is to provide an appliance for holding a nozzle (i), such as that of a common garden hose, that allows variation and control of the direction of the discharge of water. The appliance of *Howell* comprises a gripping device (d, c) capable of being set at any predetermined required angle. From the specific description and Figures 1 and 4 of *Howell*, it is evident that the range of movement of the gripping device (d, c), when the hose (h) is located within the gripping device (d, c), is limited about a horizontal axis of rotation by the interference of the hose (h) with the bracket (a).

The wording of claim 1 of *Howell* further supports this interpretation, where the specific terms “any angle which the range of movement available allows” are used.

In the presently claimed invention, a hose clamp is provided for locating a hose within a hose coupling that incorporates a first locking mechanism. The first locking mechanism moves between a locked and unlocked position. With a hose located within the hose coupling, and the first locking mechanism in the unlocked position, the hose clamp allows for the hose to be unlimitedly rotated through 360° about a horizontal axis.

Thus, claim 1 and dependent claims 2, 4, 7, 8, and 10 are not anticipated by the teachings of *Howell*, which does not teach or suggest a hose clamping device capable of providing unlimited rotation about a horizontal axis of a hose located within the device. Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(b) be withdrawn.

3. Rejections Under 35 U.S.C. § 103

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howell* in view of US Patent No. 1,583,772 to Blaw (hereafter “*Blaw*”). In addition, claims 11-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howell* in view of US Patent No. 3,856,245 to Byerly (hereafter “*Byerly*”). Applicant respectfully traverses.

Claims 6 and 11-15 depend from claim 1 and include the limitations thereof. As discussed above, *Howell* does not teach or suggest a hose clamping device capable of providing unlimited rotation about a horizontal axis of a hose located within the device. Neither *Blaw* nor *Byerly* cure the shortcomings of *Howell*.

In addition, the problem addressed by the presently claimed invention is to provide a device for clamping a hose at a desired location so as to give maximum flexibility to the orientation of the hose while freeing up manpower so as to carry out further duties. The ability to freely rotate a hose located within the hose coupling through 360° about a horizontal axis of rotation is paramount to the flexibility of the device.

Experience has shown that fire can spread extremely quickly and it is often required to expeditiously direct the hose directly behind the original field of direction, directly overhead or directly downwards. If a hose was located within the apparatus described by *Howell* it would not be possible to direct the hose directly behind the original field of direction via a rotation about a horizontal axis of rotation because rotation about the horizontal axis is hindered by the presence of the hose. Furthermore, the hose of *Howell* while clamped with the hose coupling cannot be orientated directly upwards or downwards due to the presence of the bracket. Therefore, the hose clamp of *Howell* lacks the mobility and flexibility of the presently claimed invention.

The teachings of *Howell* are silent in relation to the above described problem. Therefore, one skilled in the art would not be motivated to combine the teachings of *Howell* with the teachings of *Blaw* or *Byerly*. However, even if the teachings of the cited art are combined as suggested by the Examiner, the result would be a hose clamp with an alternative locking mechanism. This alternative locking mechanism would be no more successful in providing a device for rotating a hose, located within the hose clamp, through 360° about a horizontal axis of rotation, than those already described within the cited art.

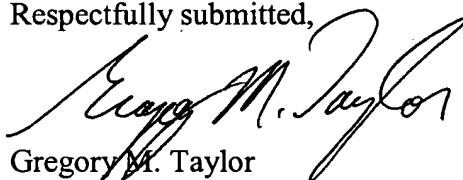
Accordingly, claims 6 and 11-15 would not have been obvious over the cited references, and Applicant respectfully requests that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicant respectfully requests favorable reconsideration and allowance of the present claims. In the event there remains any impediment to allowance of the application, which could be clarified in a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 29th day of July 2004.

Respectfully submitted,



Gregory M. Taylor
Attorney for Applicant
Registration No. 34,263
Customer No. 022913
Telephone No. (801) 533-9800

GMT:gpm
W:\15584\1\GPM0000000125V001.doc